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Via Electronic Mail

December 23, 2010

Honorable Esther Salas, U.S.M.J.
United States District Court
M. L.King, Jr., Federal Building and US Courthouse
50 Walnut Street - Room 2060
Newark, New Jersey 07102

Re: N.V.E., Inc. v. Jesus Palmeroni, et al.
Docket No. 2:06-cv-05455 (HAA)(ES)
Our File No. 120209

Dear Judge Salas:

We write to advise the Court that in connection with this case defendant Palmeroni has issued several subpoenas for documents. The subpoenaed parties are Vincent Rosarbo and his affiliated companies, American Wholesale Distribution, VAR Consulting, Smart World, Inc. and His attorney, Mr. Stephen Dratch has advised that Mr. Rosarbo does not have any documents in his "physical possession" in response to the subpoena but has not responded to repeated requests for documents under Mr. Rosarbo's control. We understand that there were operational documents concerning Mr. Rosarbo entities to which he should have access. If such documents are no longer in his possession he would have to have lost destroyed or transferred such documents to a third party. Mr. Dratch has advised that there are pertinent documents with Mr. Rosarbo's accountant, Mr. Carmine Carbone. However, these documents are already under subpoena by plaintiff. We seek to have Mr. Rosarbo to identify non banking documents which are relevant to this litigation.

We have also served CB Distributors and Carlos Bengoa with a subpoena. In response we have been provided only with a handful of invoices dating from 2004 to early 2006, which do not overlap documents which were voluntarily provided to NVE. Moreover, CB Distributors has issues a blanket objection to the subpoena as being overbroad.

We have served the Horowitz brothers, owners of PMI Global and Profit Motivators, Inc., with a subpoena for documents on November 11, 2010 via US Postal Service overnight

mail and have reserved the subpoena on December 14, 2010 via overnight mail via FedEx and email. As we understand from correspondence from Plaintiff's counsel, the Horowitz brother have voluntarily cooperated in providing documents to NVE but have not responded at all to our subpoena.

We seek permission to file a motion to enforce the subpoenas seeking to hold in contempt Vincent Rosarbo and Carlos Bengoa. We also seek to obtain permission from this Court to obtain personal service of the Horowitz brothers through a marshal of the federal district court for the Southern District of Florida.

Our request is without prejudice to defendant's position concerning the Statute of Limitations as expressed in defendant's opposition brief and supporting papers to Plaintiff's pending motion to seek leave to amend its complaint.

Respectfully submitted,


David Rostan

Cc: all counsel